IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 9137 of 2007(K)

PETITIONER:

A.LAKSHMANAN,
H.NO.36/185-1/203, RAJEEV NAGAR,
THANAVU, OLAVAKKODE P.O., PALAKKAD.

BY ADV. SRI.S.MADHAVAN NAIR
SRI.V.B.PREMACHANDRAN
SRI.P.K.SIVADASAN NAIR
SRI.S.MOHANDAS
SRI.K.N.GOVINDANKUTTY MENON

RESPONDENTS:

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1. PALAKKAD MUNICIPALITY,
REP. BY ITS SECRETARY.

2. STATE OF KERALA REP. BY THE
SECRETARY TO GOVT.
LOCAL SELF GOVT. DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ADV. SRI. V. CHIDAMBARESH, SC.
R2 BY ADV. SMT. T.B. RAMANI, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 9137 OF 2007

Dated this the 19th day of March, 2007

JUDGMENT

Sri.V. Chidambaresh, Standing Counsel takes notice on behalf of the Municipality.

2. Heard Sri.S. Madhavan Nair, counsel for the petitioner and Sri.V. Chidambaresh, Standing Counsel.

3. The grievance of the petitioner who was a petitioner before the Human Rights Commission is that even though the Municipality had been directed by the Human Rights Commission that a plot of land will be identified for being given on lease to the petitioner so that the petitioner can do balcksmithy and eke out his livelihood, the Municipality has not implemented Ext.P1 at all. According to the petitioner, even though it was the obligation of the Municipality to identify the land and to lease out the same to the petitioner, the petitioner himself pointed out two suitable spots in the town.

4. Mr.Chidambaresh submits that since the spots pointed out by the petitioner are ear-marked for by the Municipality for establishing shopping complex, the Municipality issued Ext.P4 letter.

5. According to the petitioner, land is available at Mangavu and Manali and in other places within the Municipality area and hence a

direction be issued to the Municipality to lease out those lands to the petitioner in compliance with the directions in Ext.P1. But on a reading of Ext.P1, I find that though the Human Rights Commission has taken serious exception to the action of the Municipality in evicting the petitioners, the direction issued ultimately is that Municipality shall examine the feasibility of leasing out lands on such suitable terms and conditions. However, the fact remains that the petitioner who is a blacksmith who has no place at all to do blacksmithy for eking out his livelihood. Under these circumstances, the Writ Petition will stand disposed with the following directions:

The petitioner will submit a fresh application before the Municipality pointing out the alternate spots presently mentioned by him (spots at Mangavu and Manali) or any other alternate sites so that the Municipality will be able to identify the proper sites which can be leased out to the petitioner on terms as indicated in Ext.P1. The petitioner will submit fresh representation as directed above within three weeks of receiving a copy of this judgment and the Municipality will take a decision on that representation within one month from that day. Petitioner will be informed of the decision of the Municipality.

PIUS C. KURIAKOSE, JUDGE

btt